

**SUBSTITUTE ORDINANCE NO. 5515**

**ORDINANCE TO TRANSFER OWNERSHIP OF THE CITY'S STREET LIGHTS  
WITHIN THE CITY LIMITS TO THE MEMPHIS LIGHT GAS AND WATER DIVISION  
AND TO ASSIGN THE FUNCTION OF OPERATING AND MAINTAINING STREET  
LIGHTS WITHIN THE CORPORATE LIMITS OF THE CITY AND AUTHORIZING THE  
BOARD OF COMMISSIONERS OF THE MEMPHIS LIGHT GAS AND WATER  
DIVISION TO MAKE A SCHEDULE OF RATES OR FEES FOR STREET LIGHTING  
FOR APPROVAL BY THE COUNCIL IN ACCORDANCE WITH THE PROCEDURES  
SET FORTH IN SECTION 680 OF THE CHARTER**

**WHEREAS**, pursuant to Home Rule Charter Amendment No 3054, adopted by referendum vote on November 4, 1980, the City Council was authorized to assign the management and control over energy systems to MLGW upon such terms and conditions as the Council may prescribe and the Council was authorized to prescribe by ordinance other functions to be performed by MLGW;

**WHEREAS**, MLGW is also authorized by the City's Charter § 677 to operate and maintain within the corporate limits of the City an electric plant or system, including without limitation, transmission lines, poles, conduits, wires, cables, lamps, fixtures, accessory apparatus, rights of way and easements for the purpose of furnishing electric power and energy for lighting and other purposes for which electric power may be used;

**WHEREAS**, the Council desires to assign all rights of ownership and rights to control and manage all street lights within the City limits to MLGW and authorize and direct MLGW's Board of Commissioners to make a schedule of fees for street lighting to be paid by MLGW ratepayers within the City for approval by the Council using the process set forth in section 680 of the Charter at the earliest practicable date.

NOW, THEREFORE BE IT ORDAINED:

**Section 1.     Assignment of Functions to MLG&W.**     The City does hereby transfer and convey to the Memphis Light Gas and Water Division all of the City's right, title and interest, if any, in street lights within the corporate limits of the City of Memphis and hereby prescribes the function of managing and maintaining said street lights from and after the effective date of this ordinance. The Mayor is authorized and directed to execute any and all documents of conveyance necessary to effectuate the transfer.

**Section 2.     Schedule of Lighting Fees.**     The Council does hereby authorize and direct MLGW's Board of Commissioners to make a schedule of fees for street lighting, which will apportion the aggregate annual charges presently billed to the City of Memphis pursuant to Electric Service Schedule LS among MLGW ratepayers within the City on a basis that is equitable, which schedule shall be submitted to the Council for approval in accordance with the procedure set forth in section 680 of the Charter at the earliest practicable date for implementation by January 1, 2014..

**Section 3.     Annual Review of Street Lighting Fees.**     After the schedule of street lighting fees is approved and implemented, MLGW shall report on the effect of the program during its annual budget presentation to the Council to insure that the schedule of fees covers all of the costs of the street lighting program within the City.

**Section 4.     Severability.**     The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**Section 5.     Effective Date.**     This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR: Edmund Ford, Jr.

EDMUND FORD, JR.

Council Chairman

Attest:

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Comptroller

THE FOREGOING ORDINANCE

# 5515 PASSED

1st Reading 5-7-13

2nd Reading 5-21-13

3rd Reading 6-18-13

Approved Edmund Ford  
Chairman of Council

Date Signed: 7/2/2013

Approved: [Signature]  
Mayor, City of Memphis

Date Signed: July 8, 2013

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Valerie C. Snipes  
Comptroller